

SENATE BILL No. 482

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1-31; IC 3-10; IC 3-11-2-12; IC 5-4-1-4; IC 6-1.1; IC 6-3.5-6-18.5; IC 8-22-3; IC 11-12-2; IC 12-20-1; IC 15-16; IC 16-22-8; IC 16-41-19-7; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-2; IC 36-3; IC 36-4-4-2; IC 36-6-1.1; IC 36-8; IC 36-9-4; IC 36-10; IC 36-12.

Synopsis: Marion County consolidation. In Marion County, abolishes effective January 1, 2011, the offices of township trustee and township board and transfers all township duties and responsibilities, including township assistance, cemetery maintenance, weed control, and parks and recreation, to the mayor. Requires the mayor to appoint, subject to the approval of the city-county council, a director of public assistance to administer township assistance on a countywide basis. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, records, rights, contracts, and indebtedness. Abolishes the Marion County board of commissioners effective July 1, 2009. Provides that a county assessor shall not be elected in 2010 and thereafter in Marion County. Provides that in Marion County, the mayor of Indianapolis shall appoint the county assessor, subject to the approval of the city-county council, beginning on the earlier of: (1) the end of the term of the county assessor elected in 2006; or (2) the date the office of county assessor becomes vacant. Requires an appointed county assessor appointed to be certified as a level three assessor-appraiser. Provides that after December 31, 2010, the county sheriff of Marion County is no longer responsible for emergency communications. Specifies that in Marion County: (1) the director of the community corrections program is considered a director of a department of the consolidated city; and (2) employees of the community corrections program are employees of the consolidated city. Specifies that, subject to the approval of the city-county council, the mayor shall appoint the executive director of the health and hospital corporation, who shall serve at the pleasure of the mayor. Provides that

(Continued next page)

Effective: July 1, 2009; January 1, 2010; January 1, 2011.

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January 15, 2009, read first time and referred to Committee on Local Government.



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the mayor may designate the chairperson of the Marion County capital improvement board. Changes the appointing authorities for the library board in Marion County. Provides that, subject to the approval of the city-county council, the mayor appoints the director of the public library in Marion County, who shall serve at the pleasure of the mayor. Changes the appointing authorities for the board of directors of the public transportation corporation in Marion County. Provides that, subject to the approval of the city-county council, the mayor appoints the executive director of the public transportation corporation in Marion County, who shall serve at the pleasure of the mayor. Provides that effective January 1, 2011, in Marion County, the powers and duties assigned to the county auditor and the county treasurer under the property tax statutes shall be exercised by and are the responsibility of the Indianapolis controller. Provides that after 2010, the monthly distributive shares of county option income taxes that would be distributed to a township for which township government is abolished shall instead be distributed as additional distributive shares to Indianapolis/Marion County. Transfers responsibilities of township trustees and township boards concerning township small claims courts located in a consolidated city to the: (1) mayor of the consolidated city; (2) city-county council of the consolidated city; and (3) clerk of the circuit court of the county containing the consolidated city. Abolishes the office of small claims court constable. Specifies that on January 1, 2010, personnel provided by the department of public safety of the consolidated city shall perform the duties formerly performed by the constables. Provides that if the Constitution of the State of Indiana is amended so that it no longer requires the election in each county of a recorder, surveyor, coroner, sheriff, auditor, or treasurer, the functions, duties, and obligations of those offices in Marion County are on the earlier of: (1) the end of that official's term of office; or (2) the date the office becomes vacant are transferred to specified departments, officials, and entities. Requires the department of local government finance to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Repeals certain provisions concerning small claims court constables. Makes conforming amendments. Repeals provisions concerning the nine Marion County township small claims courts.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 482

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be
4 printed in substantially the following form for all the offices for which
5 candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

6
7 _____ Party
8 For paper ballots, print: To vote for a person, make a voting mark
9 (X or ✓) on or in the box before the person's name in the proper
10 column. For optical scan ballots, print: To vote for a person, darken or
11 shade in the circle, oval, or square (or draw a line to connect the arrow)
12 that precedes the person's name in the proper column. For optical scan
13 ballots that do not contain a candidate's name, print: To vote for a
14 person, darken or shade in the oval that precedes the number assigned
15 to the person's name in the proper column. For electronic voting



systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**

(H) County commissioner.

(I) County council member.

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(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**

(C) Township board member. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**

(D) Judge of the small claims court (**only in a county having a consolidated city**).

(E) Constable of the small claims court. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form

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specified in IC 3-11-14-3.5;
 if voting is by an electronic voting system.
 (f) A public question shall be placed on the primary election ballot
 in the following form:

(The explanatory text for the public question,
 if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 2. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2009]: Sec. 13. The following public officials shall be elected
 at the general election before their terms of office expire and every four
 (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor. **This subdivision does not apply to
 elections in 2010 and thereafter in a county having a
 consolidated city.**
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee. **This subdivision does not apply to
 elections in 2010 and thereafter in a county having a
 consolidated city.**
- (12) Township board member. **This subdivision does not apply
 to elections in 2010 and thereafter in a county having a
 consolidated city.**
- (13) Township assessor (only in a township referred to in
 IC 36-6-5-1(d)).
- (14) Judge of a small claims court **(only in a county having a
 consolidated city).**
- (15) Constable of a small claims court. **This subdivision does not
 apply to elections in 2010 and thereafter in a county having a
 consolidated city.**

SECTION 3. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2009]: Sec. 12. The following offices shall be placed on the

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general election ballot in the following order:

(1) Federal and state offices:

- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) United States Representative.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
- (E) Prosecuting attorney.
- (F) Clerk of the circuit court.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**
- (H) County commissioner.
- (I) County council member.

(5) Township offices:

- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee. **This clause does not apply to elections**

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in 2010 and thereafter in a county having a consolidated city.

(C) Township board member. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**

(D) Judge of the small claims court **(only in a county having a consolidated city).**

(E) Constable of the small claims court. **This clause does not apply to elections in 2010 and thereafter in a county having a consolidated city.**

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 4. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk **and** officers of a political subdivision or school corporation, ~~and constables of a small claims court~~, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 5. IC 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A party to a conveyance who:

(1) either:

(A) files a sales disclosure form that does not contain all of the information required by this chapter; or

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(B) files a sales disclosure form that contains inaccurate information; and receives from ~~the township assessor (in a county containing a consolidated city)~~ or the county assessor ~~(in any other county)~~ written notice of the problems described in clause (A) or (B); and (2) fails to file a correct sales disclosure form that fully complies with all requirements of this chapter within thirty (30) days after the date of the notice under subdivision (1);

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) ~~The township assessor in a county containing a consolidated city, or the county assessor in any other county,~~ shall:

(1) determine the penalty imposed under this section;

(2) assess the penalty to the party to a conveyance; and

(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

(1) collect the penalty imposed under this section;

(2) deposit penalty collections as required under section 4 of this chapter; and

(3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 6. IC 6-1.1-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive **or the county executive (after December 31, 2010)** under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor

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vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21; or

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and

(2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

SECTION 7. IC 6-1.1-17-3, AS AMENDED BY P.L.146-2008, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2010, before October 1 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

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(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June 30, 2008);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing;

statements under subsection (b). Mailing the statement described in

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subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(f) This subsection applies to taxes first due and payable after 2010 only to a county having a consolidated city. As set forth in IC 36-3-5-5.5:

- (1) the director of public assistance for the county shall estimate, with the approval of the controller, the amount necessary to meet the cost of township assistance in the county for the ensuing calendar year; and**
- (2) the county legislative body shall adopt with the county budget a tax rate uniform throughout the county sufficient to meet the estimated cost of township assistance.**

The taxes collected as a result of the tax rate adopted under this subsection shall be credited to the county township assistance fund established under IC 12-20-1-6.

(g) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under

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1 section 11 of this chapter.

2 SECTION 8. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008,
3 SECTION 339, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JANUARY 1, 2011]: Sec. 18.5. (a) This section applies
5 to a county containing a consolidated city.

6 (b) Notwithstanding section 18(e) of this chapter, the distributive
7 shares that each civil taxing unit in a county containing a consolidated
8 city is entitled to receive during a month equals the following:

9 (1) For the calendar year beginning January 1, 1995, calculate the
10 total amount of revenues that are to be distributed as distributive
11 shares during that month multiplied by the following factor:

12	Center Township	.0251
13	Decatur Township	.00217
14	Franklin Township	.0023
15	Lawrence Township	.01177
16	Perry Township	.01130
17	Pike Township	.01865
18	Warren Township	.01359
19	Washington Township	.01346
20	Wayne Township	.01307
21	Lawrence-City	.00858
22	Beech Grove	.00845
23	Southport	.00025
24	Speedway	.00722
25	Indianapolis/Marion County	.86409

26 (2) Notwithstanding subdivision (1), for the calendar year
27 beginning January 1, 1995, the distributive shares for each civil
28 taxing unit in a county containing a consolidated city shall be not
29 less than the following:

30	Center Township	\$1,898,145
31	Decatur Township	\$164,103
32	Franklin Township	\$173,934
33	Lawrence Township	\$890,086
34	Perry Township	\$854,544
35	Pike Township	\$1,410,375
36	Warren Township	\$1,027,721
37	Washington Township	\$1,017,890
38	Wayne Township	\$988,397
39	Lawrence-City	\$648,848
40	Beech Grove	\$639,017
41	Southport	\$18,906
42	Speedway	\$546,000

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(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an

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1 amount equal to the welfare allocation amount; divided by
 2 (B) the sum of the maximum permissible property tax levies
 3 under IC 6-1.1-18.5 for all qualifying civil taxing units of
 4 the county during the calendar year in which the month falls,
 5 and an amount equal to the welfare allocation amount.

6 (c) The welfare allocation amount is an amount equal to the sum of
 7 the property taxes imposed by the county in 1999 for the county's
 8 welfare fund and welfare administration fund and the property taxes
 9 imposed by the county in 2008 for the county's county medical
 10 assistance to wards fund, family and children's fund, children's
 11 psychiatric residential treatment services fund, county hospital care for
 12 the indigent fund, children with special health care needs county fund,
 13 plus, in the case of Marion County, thirty-five million dollars
 14 (\$35,000,000).

15 **(d) After December 31, 2010, the monthly distributive shares of**
 16 **county option income taxes that would be distributed to a township**
 17 **under this section shall be distributed instead as additional**
 18 **distributive shares to Indianapolis/Marion County.**

19 SECTION 9. IC 8-22-3-4, AS AMENDED BY P.L.134-2005,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2009]: Sec. 4. (a) Except as provided in subsections (b), (c),
 22 (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists
 23 of four (4) members, whenever the fiscal body of an eligible entity,
 24 acting individually, establishes an authority. The members of the board
 25 shall be appointed by the executive of the entity, and not more than two
 26 (2) members of the board may be of the same political party.

27 (b) In the event that two (2) cities or one (1) city and one (1) town
 28 act jointly to establish an authority under this chapter, the board
 29 consists of five (5) members. The executive of each city or town shall
 30 each appoint two (2) members to the board. The county executive shall
 31 appoint one (1) member to the board. Each member appointed by an
 32 executive must be of a different political party than the other appointed
 33 member.

34 (c) In the event that an authority is established by a city or town and
 35 a county, acting jointly, the board consists of six (6) members. The
 36 executive of each entity shall appoint three (3) members. Not more
 37 than two (2) members appointed by each executive may be of the same
 38 political party.

39 (d) In the event that an authority was established under IC 19-6-3
 40 (before its repeal on April 1, 1980) the board consists of five (5)
 41 members. Three (3) members of the board shall be appointed by the
 42 mayor of the city, and two (2) members of the board shall be appointed

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by the board of commissioners of the county. Not more than two (2) members representing the city may be members of the same political party, and not more than one (1) member representing the county may be a member of the same political party.

(e) Except as provided in section ~~4.1(b)(3)~~ **4.1(b)(2)** of this chapter, the county executive of each Indiana county that is adjacent to a county establishing an authority under this chapter and in which the authority owns real property may appoint one (1) advisory member to the board. An advisory member who is appointed under this subsection:

- (1) must be a resident of the adjacent county;
- (2) may not vote on any matter before the board;
- (3) serves at the pleasure of the appointing authority; and
- (4) serves without compensation or payment for expenses.

(f) The board of an authority established in a city that has a population of more than sixteen thousand six hundred (16,600) but less than seventeen thousand four hundred (17,400) consists of five (5) members. The members of the board shall be appointed by the executive of the eligible entity, and not more than three (3) members of the board may be of the same political party.

(g) This subsection does not apply to a board subject to subsection (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.

SECTION 10. IC 8-22-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

- (1) The mayor of the consolidated city shall appoint ~~six (6)~~ **seven (7)** members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.
- ~~(2) The board of commissioners of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.~~
- ~~(3)~~ **(2)** The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:
 - (A) The county is adjacent to the county having the consolidated city.

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(B) The county has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).

(C) The authority owns real property in the county.

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under section 4(e) of this chapter.

Not more than four (4) members appointed under ~~subdivisions~~ **subdivision (1) and (2)** may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than twenty-five thousand (25,000); or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).

(d) A member of the board appointed under subsection ~~(b)(3)~~ **(b)(2)** must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).

(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

(f) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(g) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(h) A board member may be reappointed to successive terms.

(i) A board member may be impeached under the procedure provided for the impeachment of county officers.

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(j) A board member appointed under subsection ~~(b)(3)~~ **(b)(2)** may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 11. IC 11-12-2-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. **(a) This section does not apply to a county having a consolidated city.**

~~(b)~~ **(b)** The director, if any, of the community corrections program shall be appointed by the community corrections advisory board, subject to the approval of the county executive. ~~or, in a county having a consolidated city, by the city-county council.~~ A director may be removed for cause by a majority vote of the community corrections advisory board, subject to the approval of the county executive. ~~or, in a county having a consolidated city, of the city-county council.~~

~~(b)~~ **(c)** The community corrections advisory board may establish personnel policies, procedures, and salary classification schedules for its employees. Employees of a community corrections program are county employees. The policies, procedures, and schedules established under this subsection may not be inconsistent with those established for other county employees.

SECTION 12. IC 11-12-2-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.6. **(a) This section applies only to a county having a consolidated city.**

(b) The director of the community corrections program shall be considered a director of a department of the consolidated city for purposes of IC 36-3-5-2.

(c) Employees of a community corrections program are employees of the consolidated city.

SECTION 13. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a) This section applies only to a county having a consolidated city.**

(b) Effective January 1, 2011, the department of public assistance under IC 36-3-5-4 shall administer township assistance on a countywide basis. The township boards of each township shall, in accordance with IC 36-6-1.1, provide for the proper transition of the responsibility for township assistance from the township trustees to the department of public assistance.

(c) The executive shall appoint a director of the department of public assistance under IC 36-3-5-5.5. The director shall organize the department in accordance with IC 36-3-5-5 to ensure access of all county residents to the timely and efficient provision of

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1 township assistance through appropriate physical access points
2 throughout the consolidated city.

3 (d) The following apply to the department of public assistance:

4 (1) A suit or proceeding in favor of or against the director of
5 the department of public assistance concerning township
6 assistance shall be conducted in favor of or against the
7 consolidated city in the consolidated city's corporate name.

8 (2) The director of the department of public assistance is
9 entitled to the same protections and immunities as are
10 afforded to a township trustee under IC 12-20-3.

11 (3) The director of the department of public assistance has the
12 same powers in the administration of township assistance in
13 the consolidated city as a township trustee has in the
14 administration of township assistance in a township under
15 IC 12-20-4, IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17,
16 IC 12-20-18, and IC 12-20-19.

17 (4) The same standards and requirements that apply to or
18 may be imposed upon recipients of and applicants for
19 township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8,
20 IC 12-20-9, IC 12-20-10, IC 12-20-11, IC 12-20-12, and
21 IC 12-20-13 apply to, or may be imposed upon, recipients of
22 and applicants for township assistance administered by the
23 director of the department of public assistance.

24 (5) The director of the department of public assistance may
25 assert a claim against the estate of an individual who received
26 township assistance from the county to the same extent as a
27 township trustee may assert a claim under IC 12-20-27
28 against the estate of an individual who received township
29 assistance from a township.

30 (6) The director of the department of public assistance is
31 subject to the same reporting requirements with respect to
32 township assistance administered in the county to which a
33 township trustee is subject under IC 12-20-28 with respect to
34 township assistance administered in the township.

35 (7) The director shall propose uniform standards for the
36 issuance of township assistance throughout the county and the
37 processing of applications for township assistance that meet
38 the requirements of IC 12-20-5.5. The standards shall be
39 adopted by the county legislative body and filed with the
40 county executive.

41 (8) State and local agencies shall provide the director with the
42 information provided to a township trustee under IC 12-20-7.

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The director or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(9) An applicant for township assistance and the director may appeal a decision regarding township assistance in the same manner that an appeal is taken under IC 12-20-15.

(e) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2010, shall be treated as a new application filed with the county on January 1, 2011. The director shall make a decision on the application in accordance with the uniform standards adopted under subsection (d)(7).

(f) Any application for township assistance that has been granted before January 1, 2011, but for which assistance has not been disbursed by the township, shall be disbursed and administered by the director in accordance with the township's grant of township assistance.

SECTION 14. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) This section applies only to a county having a consolidated city.

(b) The county shall establish a county township assistance fund.

(c) The fund shall be raised by a tax levy that:

- (1) is in addition to all other tax levies authorized; and
- (2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual township assistance budget for the county.

(d) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

(e) The following shall be paid into the county township assistance fund:

- (1) All receipts from the tax imposed under this section.
- (2) Any other money required by law to be placed in the fund.

(f) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget.

(g) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 15. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

(A) A township trustee of a township in the county.

(B) **After December 31, 2010, in a county having a consolidated city, the official designated by the county executive for the destruction of detrimental plants described in this chapter or the official's designee.**

(2) One (1) soil and water conservation district supervisor.

(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 16. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2010, the powers and duties established by this chapter are conferred and imposed:**

(1) **in a county having a consolidated city, on the county with respect to property in the county; and**

(2) **in all other counties, on the township trustee with respect to property in the township.**

SECTION 17. IC 15-16-8-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is designated by the county executive as responsible for administering this chapter for the county after December 31, 2010.**

SECTION 18. IC 15-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "fund" means:**

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1 (1) the township fund; or

2 (2) (after December 31, 2010) the appropriate county fund in
3 a county having a consolidated city.

4 SECTION 19. IC 15-16-8-4, AS ADDED BY P.L.2-2008,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2009]: Sec. 4. (a) If a township trustee or (after December
7 31, 2010) the county official:

8 (1) has reason to believe that detrimental plants may be on real
9 estate; and

10 (2) gives the owner or person in possession of the real estate
11 forty-eight (48) hours notice under subsection (e);

12 the township trustee or (after December 31, 2010) the county official
13 may enter the real estate to investigate whether there are detrimental
14 plants on the real estate.

15 (b) Except as provided in subsection (d), if the township trustee or
16 (after December 31, 2010) the county official determines by:

17 (1) investigating real estate located in the trustee's township or
18 (after December 31, 2010) the county having a consolidated
19 city; or

20 (2) visual inspection without entering real estate located in the
21 trustee's township or (after December 31, 2010) the county
22 having a consolidated city;

23 that a person has detrimental plants growing on real estate, the trustee
24 or (after December 31, 2010) the county official shall give written
25 notice under subsection (e) to the owner or person in possession of the
26 real estate to destroy the detrimental plants. The owner or person in
27 possession of the real estate shall destroy the plants in a manner
28 provided in section 3 of this chapter not more than five (5) days after
29 the notice is received under subsection (f).

30 (c) If the detrimental plants are not destroyed as provided in
31 subsection (b), the trustee shall cause the detrimental plants to be
32 destroyed in a manner most practical to the trustee or (after December
33 31, 2010) the county official not more than eight (8) days after notice
34 is received by the owner or person in possession of the real estate under
35 subsection (f). The trustee or (after December 31, 2010) the county
36 official may hire a person to destroy the detrimental plants. The trustee
37 or (after December 31, 2010) the county official or the person
38 employed to destroy the detrimental plants may enter upon the real
39 estate where the detrimental plants are growing to destroy the
40 detrimental plants and are not civilly or criminally liable for damage to
41 crops, livestock, or other property occurring while carrying out the
42 work, except for gross negligence or willful or wanton destruction.

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(d) If the county has established a county weed control board under IC 15-16-7, the township trustee **or (after December 31, 2010) the county official** may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee **or (after December 31, 2010) the county official**. The county weed control board shall notify the township trustee **or (after December 31, 2010) the county official** of the board's decision.

(e) Notice required in subsection (a) or (b) may be given by:

- (1) certified mail; or
- (2) personal service.

(f) Notice under subsection (e) is considered received by the owner or person in possession of the real estate:

- (1) if sent by mail, on the earlier of:
 - (A) the date of signature of receipt of the mailing; or
 - (B) three (3) business days after the date of mailing; or
- (2) if served personally, on the date of delivery.

SECTION 20. IC 15-16-8-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The township trustee **or (after December 31, 2010) the county official** may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

- (1) Chemicals.
- (2) Work.
- (3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee **or (after December 31, 2010) the county official** believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is impractical, the trustee shall use the necessary power machinery or equipment. The trustee **or (after December 31, 2010) the county official** may pay for the work at a rate per hour fixed by the township trustee **or (after December 31, 2010) the county official** commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the township trustee **or (after December 31, 2010) the county official**. When the bill has been approved, the trustee shall pay the bill out of the township fund **or (after December 31, 2010) the county official shall pay the bill out of the appropriate county fund**. If there is no money available in the township fund for that purpose, the township board,

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upon finding an emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15 to borrow money sufficient to meet the emergency. **After December 31, 2010, the county fiscal body shall act in the case of a county having a consolidated city.**

(d) ~~The trustee, when submitting estimates to the township board~~ **An estimate, when submitted to the township board or (after December 31, 2010) the city-county council** for action, shall include in the ~~estimates~~ **estimate** an item sufficient to cover those expenditures.

SECTION 21. IC 15-16-8-6, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The township trustee **or (after December 31, 2010) the county official** shall prepare a statement that contains the following:

(1) A certification of the following costs:

(A) The cost or expense of the work.

(B) The cost of the chemicals.

(C) Twenty dollars (\$20) per day for each day that the trustee or the trustee's agent **or (after December 31, 2010) the county official or official's agent** supervises the performance of the services required under this chapter as compensation for services.

(2) A description of the real estate on which the labor was performed.

(3) A request that the owner or person in possession of the real estate pay the costs under subdivision (1) to the township trustee **or (after December 31, 2010) the county official.**

(b) The certified statement prepared under subsection (a) shall be provided:

(1) to the owner or person possessing the real estate by:

(A) mail, using a certificate of mailing; or

(B) personal service; or

(2) by mailing the certified statement to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality.

SECTION 22. IC 15-16-8-7, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) If the owner or person in possession of the property does not pay the amount set forth in the certified statement under section 6(a) of this chapter within ten (10) days after receiving the notice under section 6(b) of this chapter, the township trustee **or**

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1 **(after December 31, 2010) the county official** shall file a copy of the
 2 certified statement in the office of the county auditor of the county
 3 where the real estate is located.

4 (b) The auditor shall place the amount claimed in the certified
 5 statement on the tax duplicate of the real estate. Except as provided in
 6 section 8 of this chapter, the amount claimed shall be collected as taxes
 7 are collected.

8 (c) After an amount described in subsection (b) is collected, the
 9 funds shall be deposited in the:

10 (1) trustee's township funds for use at the discretion of the trustee;

11 or

12 **(2) after December 31, 2010, in the case of a county having a**
 13 **consolidated city, appropriate county fund.**

14 SECTION 23. IC 15-16-8-9, AS ADDED BY P.L.2-2008,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2009]: Sec. 9. Except as provided in sections 5 through 8 of
 17 this chapter, the county auditor, upon receiving and filing a certified
 18 statement under section 7(a) of this chapter, shall:

19 (1) immediately place the amounts on the certified statement on
 20 the tax duplicate of the county; and

21 (2) collect the amounts at the next tax paying time for the proper
 22 township or townships, **or (after December 31, 2010) the county**
 23 **having a consolidated city** the same as other state, county, or
 24 township taxes are collected, including penalties, forfeitures, and
 25 sales.

26 After the amounts are collected, the amounts shall be paid to the proper
 27 trustee and placed in the township fund **or (after December 31, 2010)**
 28 **in the case of a county having a consolidated city, placed in the**
 29 **appropriate county fund.**

30 SECTION 24. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2009]: Sec. 10. (a) When the annual township budget is
 33 prepared, a sufficient amount shall be appropriated to enable the
 34 township ~~officials~~ **trustees** to comply with this chapter.

35 **(b) After December 31, 2010, in a county having a consolidated**
 36 **city, when the annual county budget is prepared, a sufficient**
 37 **amount shall be appropriated to enable the county official to**
 38 **comply with this chapter.**

39 SECTION 25. IC 15-16-8-12, AS ADDED BY P.L.2-2008,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 12. (a) The Purdue University cooperative
 42 extension service shall provide technical assistance to township

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trustees **or (after December 31, 2010) the county official** for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or (after December 31, 2010) a county having a consolidated city** shall assist the township trustee **or (after December 31, 2010) the county official** in carrying out the duties imposed on the trustee **or (after December 31, 2010) the county official** under this chapter.

SECTION 26. IC 15-16-8-14, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) A person who:

(1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;

(2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate the plants by chemicals each year, as prescribed in this chapter;

(3) having charge of or control over any highway:

(A) knowingly allows detrimental plants to grow or mature on the right-of-way of the highway; or

(B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter;

(4) having charge of or control over the right-of-way of a railroad or interurban company:

(A) knowingly allows detrimental plants to grow and mature on the right-of-way; or

(B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter; or

(5) knowingly sells Canada thistle (*cirsium arvense*) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be:

(1) paid to the trustee and placed in the trustee's township funds for use at the discretion of the trustee; **or**

(2) after December 31, 2010, placed in the appropriate county fund, in the case of property located in a county that has a consolidated city.

SECTION 27. IC 16-22-8-9, AS AMENDED BY P.L.184-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The executive of the consolidated city shall appoint ~~three (3)~~ **five (5)** board members, not more than ~~two (2)~~ **three (3)** of whom may belong to the same political party. One (1) member

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1 must be a licensed physician.

2 ~~(b)~~ The board of commissioners of the county in which the
3 corporation is established shall appoint two (2) board members who
4 may not belong to the same political party.

5 ~~(c)~~ **(b)** The city-county legislative body shall appoint two (2) board
6 members who may not belong to the same political party. One (1)
7 member shall be appointed for a two (2) year term, and one (1) member
8 shall be appointed for a four (4) year term.

9 ~~(d)~~ **(c)** Except as provided in subsection ~~(c)~~, **(b)**, a board member
10 serves a term of four (4) years from the beginning of the term for which
11 the member was appointed until a successor has qualified for the office.
12 Board members are eligible for reappointment.

13 SECTION 28. IC 16-22-8-27, AS AMENDED BY P.L.184-2005,
14 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2009]: Sec. 27. (a) **Subject to the approval of the**
16 **city-county legislative body, the board executive of the consolidated**
17 **city** shall appoint an executive director of the corporation who is
18 qualified by education and experience to serve for a term of four (4)
19 years unless sooner removed. The executive director is eligible for
20 reappointment. **at the pleasure of the executive of the consolidated**
21 **city.** The executive director must reside in the county.

22 (b) In addition to the duties as executive director of the board, the
23 executive director acts as secretary of the board.

24 SECTION 29. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
25 SECTION 169, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) **After December 31, 2010,**
27 **a county having a consolidated city has all the rights, duties, and**
28 **responsibilities of the township, and the director of public**
29 **assistance appointed under IC 36-3-5-5.5 has all the rights, duties,**
30 **and responsibilities of the township trustee under this section.**

31 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~, **(c)**, all costs that are
32 incurred in furnishing biologicals under this chapter,
33 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

34 (1) the appropriate county, city, or town against which the
35 application form is issued from general funds; ~~and~~

36 (2) the appropriate township against which the application form
37 is issued from funds in the township assistance fund; **and**

38 **(3) after December 31, 2010, the director of public assistance**
39 **appointed under IC 36-3-5-5.5 from funds in the county**
40 **township assistance fund;**

41 not otherwise appropriated without appropriations.

42 ~~(b)~~ **(c)** A township is not responsible for paying for biologicals as

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provided in subsection ~~(a)(2)~~ **(b)(2)** if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

~~(c)~~ **(d)** After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

- (1) the financial ability of the individual claiming to be indigent is in question; and
- (2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

~~(d)~~ **(e)** For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

SECTION 30. IC 23-14-31-26, AS AMENDED BY P.L.102-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

- (1) An individual who possesses a health care power of attorney of the decedent, unless the power of attorney prohibits the individual from making plans for the disposition of the decedent's body.
- (2) The individual who was the spouse of the decedent at the time of the decedent's death.
- (3) The decedent's surviving adult children. If more than one (1) adult child is surviving, any adult child who confirms in writing that the other adult children have been notified, unless the crematory authority receives a written objection to the cremation from another adult child.
- (4) The decedent's surviving parent. If the decedent is survived by both parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.
- (5) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree is surviving, any person of that

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degree may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from one (1) or more persons of the same degree.

(6) In the case of an indigent or other individual whose final disposition is the responsibility of the state, ~~or township, or~~ **(after December 31, 2010) a county having a consolidated city**, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through (5) ~~of this section~~ are available:

- (i) a public administrator, including a responsible township trustee or the trustee's designee, **or (after December 31, 2010) the director of public assistance appointed under IC 36-3-5-5.5 for a county having a consolidated city;** or
- (ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(7) In the absence of any person under subdivisions (1) through (6), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

- (1) the death of the decedent appears to have been the result of:
 - (A) murder (IC 35-42-1-1);
 - (B) voluntary manslaughter (IC 35-42-1-3); or
 - (C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

SECTION 31. IC 23-14-33-7.6 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 7.6. "Cemetery fund" means:**

(1) the township fund; or

(2) after December 31, 2010, the cemetery fund for a county having a consolidated city.

SECTION 32. IC 23-14-33-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13.5. "County official" means the elected or appointed official of a county having a consolidated city who is designated by the county executive as responsible for administering this chapter for the county after December 31, 2010.**

SECTION 33. IC 23-14-63-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. This chapter applies whenever ten (10) or more heads of families:**

(1) who reside in:

(A) a township or (after December 31, 2010) a county having a consolidated city; or

(B) the immediate vicinity of a cemetery owned by a township or (after December 31, 2010) a county having a consolidated city; and

(2) who own lots in and whose dead relatives are buried in a cemetery owned by the township or the county having a consolidated city (after December 31, 2010);

organize, either by themselves or with others, as a corporation for the burial of the dead and the maintenance of a cemetery.

SECTION 34. IC 23-14-63-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) The persons described in section 1 of this chapter may file with the township trustee or (after December 31, 2010) the county official a petition asking for the conveyance of the cemetery owned by the township or (after December 31, 2010) a county having a consolidated city to the corporation.**

(b) The persons filing the petition under subsection (a) must give notice of the filing at least three (3) weeks before the filing in accordance with IC 5-3-1-2 by publishing a notice concerning the petition in a newspaper:

(1) that is published in the township; or

(2) if there is no newspaper published in the township, in the newspaper published nearest to the township.

SECTION 35. IC 23-14-63-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. The township trustee or (after December 31, 2010) a county having a consolidated city**

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1 if satisfied that the petition is signed by a majority of the owners of lots
 2 in the cemetery who are residents of the township or of the immediate
 3 vicinity of the cemetery, shall convey the cemetery to the corporation
 4 formed by the petitioners.

5 SECTION 36. IC 23-14-63-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A corporation to
 7 which a cemetery is conveyed under section 4 of this chapter:

- 8 (1) shall control the cemetery;
- 9 (2) shall ornament, beautify, and improve the cemetery;
- 10 (3) may purchase additions and sell lots in the cemetery;
- 11 (4) may assess all lots for the care, improvement, and
- 12 beautification of the cemetery;
- 13 (5) may receive and hold in trust gifts, donations, and legacies to
- 14 be devoted to the purposes referred to in subdivisions (1) through
- 15 (4); and
- 16 (6) may exercise all the powers of a corporation organized under
- 17 any statute for the purpose of owning, managing, and maintaining
- 18 cemeteries.

19 (b) All actions that the corporation takes in accordance with statutes
 20 concerning cemeteries before the cemetery is conveyed ~~by the township~~
 21 ~~trustee~~ to the corporation **under section 4 of this chapter** are valid and
 22 binding on all parties involved in the actions.

23 SECTION 37. IC 23-14-64-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies
 25 whenever the board of directors of a cemetery association existing
 26 under any Indiana statute before March 9, 1939, determines by a
 27 majority vote to convey the real estate belonging to the association to
 28 the township **or (after December 31, 2010) a county having a**
 29 **consolidated city** in which the association's cemetery is located.

30 SECTION 38. IC 23-14-64-1.5 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter,**
 33 **"county official" means the elected or appointed official of a**
 34 **county having a consolidated city who is designated by the county**
 35 **executive as responsible for administering this chapter for the**
 36 **county after December 31, 2010.**

37 SECTION 39. IC 23-14-64-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A township trustee
 39 **or (after December 31, 2010) the county official** may accept a
 40 conveyance of real estate described in section 1 of this chapter. After
 41 the conveyance, the township trustee **or (after December 31, 2010)**
 42 **the county official** shall maintain the cemetery as a public cemetery.

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SECTION 40. IC 23-14-64-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) If a cemetery association that conveys real estate to a township **or (after December 31, 2010) a county having a consolidated city** under this chapter has endowment funds, cash, securities, or other assets, the funds, cash, securities, or other assets shall be paid over to the township trustee **or (after December 31, 2010) a county having a consolidated city** when the real estate owned by the association is conveyed to the township **or (after December 31, 2010) a county having a consolidated city**.

(b) ~~A township trustee who receives~~ Cash, securities, endowment funds, or other assets **received by the township trustee or (after December 31, 2010) the county official** under subsection (a) may ~~use them~~ **be used** only:

- (1) to purchase additional land for the cemetery;
- (2) to make permanent improvements to the cemetery; or
- (3) for the upkeep and maintenance of the cemetery.

SECTION 41. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. All expenses incurred by the trustee **or (after December 31, 2010) a county having a consolidated city** in administering this chapter shall be paid out of the ~~township cemetery fund. of the township~~.

SECTION 42. IC 23-14-68-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. **As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is designated by the county executive as responsible for administering this chapter for the county after December 31, 2010.**

SECTION 43. IC 23-14-68-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The trustee of each township **or (after December 31, 2010) the county official** shall locate and maintain all the cemeteries described in section 1(a) of this chapter that are within the township **or (after December 31, 2010) a county having a consolidated city**. However, a cemetery association claiming assistance under this chapter shall furnish a verified statement of assets and liabilities to the township trustee **or (after December 31, 2010) the county official**.

SECTION 44. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The township **or (after December 31, 2010) the county official** shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within

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the township **or (after December 31, 2010) a county having a consolidated city.** Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations **of the township or (after December 31, 2010) a county having a consolidated city.**

(b) The township may levy a township cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund may be used.

(c) **After December 31, 2010, a county having a consolidated city may levy a county cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the county general fund may be used.**

SECTION 45. IC 23-14-69-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the following:

(1) A public cemetery that belongs to a township **or (after December 31, 2010) a county having a consolidated city.**

(2) An addition to a public cemetery that belongs to a township **or (after December 31, 2010) a county having a consolidated city.**

SECTION 46. IC 23-14-69-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. This chapter does not apply to the following:

(1) A cemetery that is owned or controlled by a city, a town, or a voluntary association.

(2) A cemetery that is maintained by a township **or (after December 31, 2010) a county having a consolidated city** under IC 23-14-68.

SECTION 47. IC 23-14-69-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is designated by the county executive as responsible for administering this chapter for the county after December 31, 2010.**

SECTION 48. IC 23-14-69-3, AS AMENDED BY P.L.2-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A township trustee **or (after December 31, 2010) the county official** shall care for and maintain each cemetery to which this chapter applies that is located in the township **or (after December 31, 2010) a county having a consolidated city**, keeping the cemeteries in a respectable condition by:

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- (1) destroying detrimental plants (as defined in IC 15-16-8-1),
 noxious weeds, and rank vegetation; and
 (2) removing all unsightly accumulations and debris.

SECTION 49. IC 23-14-69-4 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The township
 trustee **or (after December 31, 2010) the county official** may accept
 donations of land suitable for a public cemetery if the township trustee
or (after December 31, 2010) the county official considers
 acceptance of the land to be in the best interests of the township **or**
(after December 31, 2010) a county having a consolidated city.

(b) Donated land shall be:

- (1) conveyed to the township **or (after December 31, 2010) a**
county having a consolidated city;
 (2) set apart by the trustee **or (after December 31, 2010) a**
county having a consolidated city for a public cemetery; and
 (3) kept in good condition and repair by the township trustee **or**
(after December 31, 2010) a county having a consolidated city.

SECTION 50. IC 23-14-69-5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If:

- (1) no land suitable for a public cemetery is donated to a
 township; and
 (2) if the township legislative body adopts a resolution approving
 the purchase;

the township executive may purchase land for the purpose of
 establishing a public cemetery.

(b) If no land suitable for a public cemetery is donated to a
county having a consolidated city (after December 31, 2010), the
county executive, with the approval of the county fiscal body, may
purchase land for the purpose of establishing a public cemetery.

~~(b)~~ (c) When land is purchased and conveyed to the township **or**
(after December 31, 2010) a county having a consolidated city
 under subsection (a) **or (b)**, the land must be set apart, kept in repair,
 and used as provided in section 6 of this chapter.

SECTION 51. IC 23-14-69-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A public cemetery
 of a township **or (after December 31, 2010) a county having a**
consolidated city may be used by the inhabitants of the township **or**
(after December 31, 2010) the county having a consolidated city for
 the interment of the dead. The township trustee **or (after December**
31, 2010) the county official may prescribe regulations governing the
 use of the cemetery.

SECTION 52. IC 23-14-69-7, AS AMENDED BY P.L.113-2006,

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SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) When a township **or (after December 31, 2010) a county having a consolidated city** acquires title to land by donation, purchase, or otherwise for a public cemetery, the trustee of the township **or (after December 31, 2010) the county official** shall:

- (1) lay out the land in lots with streets and walks;
- (2) plat the land; and
- (3) record the plat in the office of the recorder of the county.

(b) For recording a plat under subsection (a), the recorder shall collect the same fees as are allowed for similar recordings.

(c) The lots laid out and platted under subsection (a) must be numbered. A specific part of the lots must be:

- (1) set apart; and
- (2) designated on the plat;

for a potter's field.

(d) After the plat has been recorded, the township trustee **or (after December 31, 2010) the county official** shall appoint:

- (1) one (1) disinterested freeholder of the township **or (after December 31, 2010) the county having a consolidated city**; and
- (2) one (1) disinterested appraiser licensed under IC 25-34.1;

who are residents of Indiana to appraise and fix the value of all the lots on the plat, except the part assigned to the potter's field under subsection (c). The appraisal shall be filed with and preserved by the township trustee **or (after December 31, 2010) the county official**.

SECTION 53. IC 23-14-69-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The township trustee **or (after December 31, 2010) the county official** may sell and convey the lots in a cemetery to which this chapter applies at a private sale to persons who desire to purchase them. The trustee **or (after December 31, 2010) the county official** shall not sell a lot under this subsection at less than the value fixed for the lot under section 7 of this chapter.

(b) The proceeds of the sale of lots in a cemetery under subsection (a) shall be used to pay the expenses that the township trustee **or (after December 31, 2010) the county official** may incur under this chapter for the cemetery. Any surplus shall be held as a fund for use in keeping the cemetery in repair.

(c) The township trustee **or (after December 31, 2010) the county official** shall keep an accurate account of:

- (1) the money received by the township trustee **or (after December 31, 2010) the county official** for the purpose of keeping the cemetery in repair; and

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(2) the sums that the township trustee **or (after December 31, 2010) the county official** has paid out, and for which the trustee **or (after December 31, 2010) the county official** has taken vouchers.

SECTION 54. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. All expenses incurred by the township trustee **or (after December 31, 2010) the county official** for administering this chapter shall be paid out of the ~~township cemetery fund. of the township.~~

SECTION 55. IC 23-14-70-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is designated by the county executive as responsible for administering this chapter for the county after December 31, 2010.**

SECTION 56. IC 23-14-70-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The county auditor shall distribute the interest accrued on any cemetery fund or funds received under section 1 of this chapter on the last Monday of January of each year to the following person or persons:

(1) The trustee of the township **or (after December 31, 2010) the county official** in which an abandoned or unincorporated cemetery is located.

(2) The trustee of the township lying on the east or south of the cemetery if the cemetery is located on a county boundary or a township boundary.

(3) The treasurer of the board of directors of an incorporated cemetery.

SECTION 57. IC 23-14-70-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A township trustee, **(after December 31, 2010) the county official**, or treasurer of the board of directors of an incorporated cemetery who receives a distribution under section 3 of this chapter shall make a receipt or voucher for any money paid out.

(b) A receipt or voucher made under subsection (a) must state:

(1) the amount paid out;

(2) the purpose for which the money was expended; and

(3) the fund from which the money came.

(c) The receipts and vouchers made under subsection (a) shall be:

(1) filed with the county auditor before January 2 of each year; and

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(2) presented to the board of commissioners for examination and approval at the January meeting of the board of commissioners.

SECTION 58. IC 23-14-74-1, AS AMENDED BY P.L.2-2008, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. A corporation, organization, association, or individual that owns and has the control and management of a public cemetery located in a township **or (after December 31, 2010) a county having a consolidated city** shall keep the public cemetery in a respectable condition by destroying detrimental plants (as defined in IC 15-16-8-1), noxious weeds, and rank vegetation.

SECTION 59. IC 23-14-75-1, AS AMENDED BY P.L.163-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to a city, town, or township, **or (after December 31, 2010) county having a consolidated city** that:

- (1) owns a cemetery that has been in existence for at least thirty (30) years; or
- (2) desires to own a public cemetery.

SECTION 60. IC 23-14-75-2, AS AMENDED BY P.L.163-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

- (1) the legislative body of the city, or town, **or (after December 31, 2010) county having a consolidated city**; or
- (2) the executive of the township;

has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 61. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, after December 31, 2010, the duties and obligations of a township trustee under this chapter are the responsibility of the county in the case of a county having a consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn

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the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township **or (after December 31, 2010) a county having a consolidated city**. If an agent or a tenant of the owner does not reside in the township **or (after December 31, 2010) a county having a consolidated city**, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, county highway superintendent, ~~or~~ Indiana department of transportation, **or (after December 31, 2010) county official of a county having a consolidated city** having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 62. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter,**

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1 **"county official" means the official of a county having a**
 2 **consolidated city who is designated by the county executive as**
 3 **responsible for administering this chapter for the county after**
 4 **December 31, 2010.**

5 SECTION 63. IC 32-26-9-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The owner of a
 7 property that:

- 8 (1) is located outside;
- 9 (2) abuts; or
- 10 (3) is adjacent to;

11 the boundary of the corporate limits of a town or city shall separate the
 12 owner's property from adjoining properties by a partition fence
 13 constructed upon the line dividing or separating the properties
 14 regardless of when the properties were divided.

15 (b) Except as otherwise provided in this chapter, and if a division of
 16 the partition fence has not been made between the property owners for
 17 the building, repairing, or rebuilding of the partition fence:

- 18 (1) for a partition fence built along a property line than runs from
 19 north to south:

20 (A) the owner whose property lies to the east of the fence shall
 21 build the north half of the fence; and

22 (B) the owner whose land lies to the west of the fence shall
 23 build the south half of the fence; and

- 24 (2) for a partition fence built along a property line that runs from
 25 east to west:

26 (A) the owner whose property lies north of the fence shall
 27 build the west half of the fence; and

28 (B) the owner whose property lies to the south of the fence
 29 shall build the east half of the fence.

30 (c) Notwithstanding subsection (b), if either property owner has
 31 constructed one-half (1/2) of a partition fence that is not the portion
 32 required under subsection (b) and has maintained that portion of the
 33 partition fence for a period of not less than five (5) years, the property
 34 owner may continue to maintain the portion of the fence.

35 (d) If a property owner fails to build, rebuild, or repair a partition
 36 fence after receiving notice under this chapter, the township trustee of
 37 the township in which the property is located **or (after December 31,**
 38 **2010) the county official** shall build, rebuild, or repair the fence as
 39 provided under this chapter.

40 SECTION 64. IC 32-26-9-3 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A partition fence
 42 shall be built, rebuilt, and kept in repair at the cost of the property

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owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township **or (after December 31, 2010) the county official** in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township **or (after December 31, 2010) the county official** in which the property of the complaining property owner is located of the default under subsection (b), and the trustee **or (after December 31, 2010) the county official** has jurisdiction in the matter.

(d) The township trustee **(after December 31, 2010) the county official** who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee **or (after December 31, 2010) the county official** may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and

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1 sheep:

2 (1) A straight board and wire fence, a straight wire fence, a
3 straight board fence, or a picket fence four (4) feet high.

4 (2) A straight rail fence four and one-half (4 1/2) feet high.

5 (3) A worm rail fence five (5) feet high.

6 (g) This subsection applies if a ditch or creek crosses the division
7 line between two (2) property owners, causing additional expense in
8 the maintenance of the part over the stream. If the property owners
9 cannot agree upon the proportionate share of each property owner, the
10 township trustee **or (after December 31, 2010) the county official**
11 shall appoint three (3) disinterested citizens who shall apportion the
12 partition fence to be built by each property owner.

13 (h) If a township trustee **or (after December 31, 2010) the county**
14 **official** is:

15 (1) related to any of the interested property owners; or

16 (2) an interested property owner;

17 ~~the trustee of any other township who resides nearest to where the~~
18 ~~fence is located another trustee or county official~~ shall act under this
19 chapter.

20 (i) This subsection applies if a ditch or creek forms, covers, or
21 marks the dividing line or a part of the dividing line between the
22 properties of separate and different property owners so that partition
23 fences required under this chapter cannot be built and maintained on
24 the dividing line. The partition fences shall be built and maintained
25 under this chapter as near to the boundary line as is practical, and each
26 property owner shall build a separate partition fence on the property
27 owner's property and maintain the fence at the property owner's cost.

28 (j) This subsection applies where a partition fence required under
29 this chapter crosses a ditch or creek and it is impracticable to construct
30 or maintain that portion of the fence that crosses the ditch or creek as
31 a stationary fence. Instead of the portion of the fence that would cross
32 the ditch or creek, there shall be constructed, as a part of the partition
33 fence, floodgates or other similar structures that are sufficiently high,
34 tight, and strong to turn hogs, sheep, cattle, mules, and horses or other
35 domestic animals. The floodgates or other similar structures shall be
36 constructed to swing up in times of high water and to connect
37 continuously with the partition fences.

38 (k) This subsection applies if the building and maintenance of the
39 floodgates or other similar structure required under subsection (j)
40 causes additional expenses and the property owners cannot agree upon
41 the character of floodgates or other similar structure, or upon the
42 proportionate share of the cost to be borne by each property owner.

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The:

(1) township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township; **or**

(2) (after December 31, 2010) county official, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the county;

who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee **or (after December 31, 2010) the county official** shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 65. IC 32-26-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) As soon as the township trustee **or (after December 31, 2010) the county official** has had a fence built, rebuilt, or repaired under this chapter, the trustee **or (after December 31, 2010) the county official** shall make out a certified statement in triplicate of the actual cost incurred by the trustee **or (after December 31, 2010) the county official** in the building, rebuilding, or repairing the fence. One (1) copy must be handed to or mailed to the property owner affected by the work, one (1) copy must be retained by the trustee as a record for the township **or (after December 31, 2010) the county official as a record for the consolidated city**, and one (1) copy must be filed in the auditor's office of the county in which the fence is located and in which the property of

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the property owner affected by the work is located. At the same time, the trustee **or (after December 31, 2010) the county official** shall also file with the county auditor a claim against the county, for the amount shown in the statement filed with the county auditor.

(b) The county auditor shall:

(1) examine the claims and statement as other claims are examined; and

(2) present the claims and statements to the board of county commissioners at the next regular meeting.

Unless there is an apparent error in the statement or claim, the board of county commissioners shall make allowance, and the county auditor shall issue a warrant for the amount claimed to the township trustee submitting the claim out of the county general fund without an appropriation being made by the county council.

(c) The amount paid out of the county general fund under subsection (b) **or (after December 31, 2010) the amount incurred by a county, in the case of a county having a consolidated city, for the work** shall be:

(1) placed by the county auditor on the tax duplicate against the property of the property owner affected by the work;

(2) collected as taxes are collected; and

(3) when collected, paid into the county general fund.

SECTION 66. IC 33-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 8. The ~~township trustee clerk of the circuit court~~ shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county.

SECTION 67. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the ~~township board~~ **city-county council of the consolidated city** shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

(1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;

(2) whether the small claims court if any, shall function full time or part time;

(3) the location of the small claims court courtroom and offices under IC 33-34-6-1; and

(4) other relevant matters.

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SECTION 68. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount determined by the ~~township board of the township in which the small claims court is located:~~ **city-county council.**

(b) The salary of each judge who serves part time must be in an amount determined ~~by the township board and approved~~ by the city-county council.

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by the ~~township board of the township in which the small claims court is located:~~ **city-county council.**

SECTION 69. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 6. (a) The annual salary of a judge shall be paid in twelve (12) equal monthly installments by the ~~township trustee:~~ **executive of the consolidated city.**

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

SECTION 70. IC 33-34-5-4, AS AMENDED BY P.L.174-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 4. (a) If a judge is unable to preside over the judge's small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the small claims court subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation ~~from the township trustee as~~ accruable to the small claims judge in whose place the appointee is serving.

SECTION 71. IC 33-34-6-1, AS AMENDED BY P.L.174-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. The ~~township trustee~~ **executive of the consolidated city** shall provide a courtroom and an office for each judge in a convenient location within the township that has:

- (1) adequate access;
- (2) sufficient parking facilities;

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- (3) a separate and appropriate courtroom;
- (4) proper space and facilities for the bailiff, clerks, and other employees; and
- (5) enough room for files and supplies.

SECTION 72. IC 33-34-6-2, AS AMENDED BY P.L.174-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2. ~~A township~~ **The executive of the consolidated city** shall:

- (1) furnish all:
 - (A) supplies, including all blanks, forms, stationery, and papers of every kind, required for use in all cases in the township small claims court; and
 - (B) furniture, books, and other necessary equipment and supplies; and
- (2) provide for all necessary maintenance and upkeep of the facilities where court is held.

SECTION 73. IC 33-34-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. ~~Each township~~ **The judges shall provide establish with the approval of the city-county council** an appropriate and competitive salary of at least five thousand six hundred dollars (\$5,600) for the number of clerks for the small claims court sufficient to:

- (1) operate efficiently; and
- (2) adequately serve the citizens doing business with the court.

SECTION 74. IC 33-34-6-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) **Six (6) months before the expiration of a constable's term of office, a designee of the executive of a county having a consolidated city shall begin a transition process with the constable to properly transfer the functions, duties, and responsibilities of the constable to the executive. The designee of the executive shall present to the executive a report on the status of the transition. The report is a public record for purposes of IC 5-14-3 and shall be made available to the public upon request. The transfer of the functions, duties, and responsibilities of each constable to the executive is effective at the end of the constable's current term of office in effect on July 1, 2009. At the time the transfer of the functions, duties, and responsibilities is effective, all:**

- (1) assets;
- (2) debts;
- (3) property rights;

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1 (4) equipment;
 2 (5) records; and
 3 (6) contracts;
 4 connected with the operations of each constable are transferred to
 5 the executive.

6 (b) At the time that a constable's duties are transferred to the
 7 executive, the department of public safety of the consolidated city
 8 established in IC 36-3-5-4(a)(2) shall provide adequate personnel
 9 to each small claims court who:

- 10 (1) act as the bailiff of the court;
 11 (2) serve the court's personal service of process;
 12 (3) carry out the orders of the court; and
 13 (4) are responsible for the preparation and mailing of all
 14 registered or certified service.

15 (c) As part of the annual budget process of the county having a
 16 consolidated city, the legislative body of the county shall establish
 17 an appropriate salary for each county employee responsible for
 18 constable duties, including the constable, for 2010.

19 SECTION 75. IC 33-34-7-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. The judge of
 21 the circuit court, with the assistance of the clerk of the circuit court, the
 22 judges of the small claims courts, and the state board of accounts, shall,
 23 at the expense of the ~~townships:~~ **county:**

- 24 (1) provide the forms, blanks, court calendar books, judgment
 25 dockets, and fee books; and
 26 (2) make rules and instructions to direct the judges in keeping
 27 records and making reports.

28 The clerk of the circuit court shall keep full and permanent records and
 29 reports of each judge's past and current proceedings, indexed and
 30 available for reference as a public record.

31 SECTION 76. IC 33-34-8-1, AS AMENDED BY P.L.176-2005,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2010]: Sec. 1. (a) The following fees and costs apply to
 34 cases in the small claims court:

- 35 (1) A township docket fee of five dollars (\$5) plus forty-five
 36 percent (45%) of the infraction or ordinance violation costs fee
 37 under IC 33-37-4-2.
 38 (2) The ~~bailiffs~~ service of process by registered or certified mail
 39 fee of thirteen dollars (\$13) for each service.
 40 (3) The cost for the personal service of process by the ~~bailiff or~~
 41 ~~other~~ process server of thirteen dollars (\$13) for each service.
 42 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3

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- to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) A public defense administration fee under IC 33-37-5-21.2.
- (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- (11) A judicial salaries fee under IC 33-37-5-26.
- (12) A court administration fee under IC 33-37-5-27.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 77. IC 33-34-8-3, AS AMENDED BY P.L.122-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the ~~township trustee~~ **clerk of the circuit court** at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the

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1 state general fund; and

2 (2) distribute monthly to the county auditor all document storage
3 fees received by the court.

4 The remaining twenty-five percent (25%) of the judicial salaries fees
5 described in subdivision (1)(E) shall be deposited monthly in the
6 ~~township county~~ general fund ~~of the township in which the court is~~
7 ~~located, and credited to the township small claims courts account~~
8 **described in section 5 of this chapter.** The county auditor shall
9 deposit fees distributed under subdivision (2) into the clerk's record
10 perpetuation fund under IC 33-37-5-2.

11 (c) The court semiannually shall pay to the ~~township trustee of the~~
12 ~~township in which the court is located~~ clerk of the circuit court the
13 remaining forty percent (40%) of the court administration fees
14 described under subsection (b)(1)(C) to fund the operations of the
15 small claims court. ~~in the trustee's township. The court administration~~
16 **fees shall be deposited in the county general fund and credited to**
17 **the township small claims courts account described in section 5 of**
18 **this chapter.**

19 SECTION 78. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2010]: **Sec. 5. (a) Fees and costs paid and collected**
22 **under sections 1 and 3 of this chapter shall be deposited in the**
23 **county general fund and credited to a separate account identified**
24 **as the township small claims courts account.**

25 **(b) The executive of the consolidated city may expend funds**
26 **credited to the township small claims courts account, without**
27 **appropriation, only for the purpose of administering this article.**

28 SECTION 79. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
29 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2011]: **Sec. 58. IC 15-16-8-4 (Concerning township**
31 **trustees, county officials, or persons hired by them for the removal of**
32 **detrimental plants upon another person's real property).**

33 SECTION 80. IC 36-2-9-1.5 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2009]: **Sec. 1.5. Responsibility for the functions, duties, and**
36 **obligations of the county auditor in a county having a consolidated**
37 **city are subject to IC 36-3-5-2(f).**

38 SECTION 81. IC 36-2-9.5-15, AS ADDED BY P.L.227-2005,
39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2011]: **Sec. 15. The county auditor does not have the**
41 **following:**

42 **(1) The powers and duties concerning the fixing and reviewing of**

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budgets, tax rates, and tax levies.

(2) The powers and duties assigned to county auditors under IC 6-1.1. In a county having a consolidated city, the powers and duties assigned to county auditors under IC 6-1.1 shall be exercised by and are the responsibility of the controller under IC 36-3-5-2.8.

SECTION 82. IC 36-2-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. Responsibility for the functions, duties, and obligations of the county treasurer in a county having a consolidated city are subject to IC 36-3-5-2(f).**

SECTION 83. IC 36-2-10-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 1.7. The county treasurer of a county having a consolidated city does not have the following:**

(1) The powers concerning the fixing and reviewing of budgets, tax rates, and tax levies.

(2) The powers and duties assigned to county treasurers under IC 6-1.1. In a county having a consolidated city, the powers and duties assigned to county treasurers under IC 6-1.1 shall be exercised by and are the responsibility of the controller under IC 36-3-5-2.8.

SECTION 84. IC 36-2-11-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. Responsibility for the functions, duties, and obligations of the county recorder in a county having a consolidated city are subject to IC 36-3-5-2(f).**

SECTION 85. IC 36-2-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. Responsibility for the functions, duties, and obligations of the county surveyor in a county having a consolidated city are subject to IC 36-3-5-2(f).**

SECTION 86. IC 36-2-13-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. Responsibility for the functions, duties, and obligations of the county sheriff in a county having a consolidated city are subject to IC 36-3-5-2(f).**

SECTION 87. IC 36-2-13-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. (a) Except as provided by IC 36-3-5-2(f), after December 31, 2010, the county sheriff of a county having a consolidated city is responsible for the following:**

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1 **(1) County jail operations and facilities.**

2 **(2) Security for buildings and property owned by:**

3 **(A) the consolidated city;**

4 **(B) the county; or**

5 **(C) both the consolidated city and the county.**

6 **(3) Service of civil process and collection of taxes under tax**
7 **warrants.**

8 **(4) Sex and violent offender registration.**

9 **(b) Notwithstanding any other provision, after December 31,**
10 **2010, the executive of a county having a consolidated city is**
11 **responsible for all duties of the county sheriff except for those**
12 **duties specifically reserved to the county sheriff in subsection (a).**

13 **(c) Notwithstanding any other provision, after December 31,**
14 **2010, the executive of a county having a consolidated city is**
15 **responsible for emergency communications for the consolidated**
16 **city and the county.**

17 SECTION 88. IC 36-2-14-1.7 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2009]: **Sec. 1.7. Responsibility for the**
20 **functions, duties, and obligations of the county coroner in a county**
21 **having a consolidated city are subject to IC 36-3-5-2(f).**

22 SECTION 89. IC 36-2-15-2, AS AMENDED BY P.L.88-2005,
23 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2009]: **Sec. 2. (a) Except as provided in subsection (b), a**
25 **county assessor shall be elected under IC 3-10-2-13 by the voters of the**
26 **county.**

27 **(b) Notwithstanding subsection (a), a county assessor shall not**
28 **be elected in 2010 and thereafter in a county having a consolidated**
29 **city. In a county having a consolidated city, the county executive**
30 **shall appoint the county assessor, subject to the approval of the**
31 **city-county council, beginning on the earlier of:**

32 **(1) the end of the term of office of the county assessor elected**
33 **in 2006; or**

34 **(2) the date the office of county assessor becomes vacant, if the**
35 **office of county assessor becomes vacant before the end of the**
36 **term of office described in subdivision (1).**

37 **A county assessor appointed under this subsection must have**
38 **attained the certification of a level three assessor-appraiser under**
39 **IC 6-1.1-35.5.**

40 ~~(b)~~ **(c) To be eligible to serve as an assessor, a person must meet the**
41 **qualifications prescribed by IC 3-8-1-23.**

42 ~~(c)~~ **(d) A county assessor must reside within the county as provided**

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in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the county.

(d) (e) This subsection does not apply to a county assessor appointed under subsection (b) in a county having a consolidated city. The term of office of a county assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(f) A county assessor appointed under subsection (b) in a county having a consolidated city serves at the pleasure of the county executive.

SECTION 90. IC 36-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. ~~(a)~~ When a first class city becomes a consolidated city, the officers who become the executive and legislative body of the consolidated city under section 4(c) of this chapter also become the executive and legislative body of the county.

~~(b)~~ The members of the board of commissioners of the county are entitled to remain in office until their terms expire; although the board is no longer the executive of the county. As their terms expire or their positions become vacant, they shall be replaced by the following officers in the following order:

(1) The county treasurer.

(2) The county auditor.

(3) The county assessor.

These three (3) officers then serve ex officio as commissioners under IC 36-3-3-10.

SECTION 91. IC 36-3-1-5.1, AS AMENDED BY P.L.216-2007, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff in this section, the city-county legislative body may by majority vote adopt an ordinance, approved by the mayor, to consolidate The police department of the consolidated city and the county sheriff's metropolitan police department is the consolidated law enforcement department of the consolidated city and the county containing the consolidated city.

~~(b)~~ The city-county legislative body may not adopt an ordinance under this section unless it first:

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate police protection can be provided through the consolidation; and

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- 1 ~~(B)~~ the consolidation is in the public interest.
- 2 ~~(c)~~ If an ordinance is adopted under this section, the consolidation
- 3 shall take effect on the date specified in the ordinance.
- 4 ~~(d)~~ **(b) This subsection expires January 1, 2011.** Notwithstanding
- 5 any other law, an ordinance adopted under this section must provide
- 6 that the county sheriff's department shall be responsible for all the
- 7 following for the consolidated city and the county under the direction
- 8 and control of the sheriff:
- 9 (1) County jail operations and facilities.
- 10 (2) Emergency communications.
- 11 (3) Security for buildings and property owned by:
- 12 (A) the consolidated city;
- 13 (B) the county; or
- 14 (C) both the consolidated city and county.
- 15 (4) Service of civil process and collection of taxes under tax
- 16 warrants.
- 17 (5) Sex and violent offender registration.
- 18 ~~(e)~~ **(c)** The following apply if an ordinance is adopted under this
- 19 section: **to the consolidated law enforcement department:**
- 20 ~~(1)~~ The department of local government finance, on
- 21 recommendation from the local government tax control board,
- 22 shall adjust the maximum permissible ad valorem property tax
- 23 levy of the consolidated city and the county for property taxes first
- 24 due and payable in the year a consolidation takes effect under this
- 25 section. When added together, the adjustments under this
- 26 subdivision must total zero (0).
- 27 ~~(2)~~ The ordinance must specify which law enforcement officers
- 28 of the police department and which law enforcement officers of
- 29 the county sheriff's department shall be law enforcement officers
- 30 of the consolidated law enforcement department.
- 31 ~~(3)~~ **(1)** The ordinance may not prohibit the providing of
- 32 **consolidated law enforcement department may provide** law
- 33 enforcement services for an excluded city under an interlocal
- 34 agreement under IC 36-1-7.
- 35 ~~(4)~~ **(2)** A member of the county police force who:
- 36 (A) was an employee beneficiary of the sheriff's pension trust
- 37 before the consolidation of the law enforcement departments;
- 38 and
- 39 (B) after the consolidation becomes a law enforcement officer
- 40 of the consolidated law enforcement department;
- 41 remains an employee beneficiary of the sheriff's pension trust.
- 42 The member retains, after the consolidation, credit in the sheriff's

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1 pension trust for service earned while a member of the county
 2 police force and continues to earn service credit in the sheriff's
 3 pension trust as a member of the consolidated law enforcement
 4 department for purposes of determining the member's benefits
 5 from the sheriff's pension trust.

6 ~~(5)~~ (3) A member of the police department of the consolidated
 7 city who:

8 (A) was a member of the 1953 fund or the 1977 fund before
 9 the consolidation of the law enforcement departments; and

10 (B) after the consolidation becomes a law enforcement officer
 11 of the consolidated law enforcement department;

12 remains a member of the 1953 fund or the 1977 fund. The
 13 member retains, after the consolidation, credit in the 1953 fund or
 14 the 1977 fund for service earned while a member of the police
 15 department of the consolidated city and continues to earn service
 16 credit in the 1953 fund or the 1977 fund as a member of the
 17 consolidated law enforcement department for purposes of
 18 determining the member's benefits from the 1953 fund or the
 19 1977 fund.

20 ~~(6)~~ (4) The ordinance must designate the merit system that shall
 21 apply applies to the law enforcement officers of the consolidated
 22 law enforcement department shall be specified by ordinance.

23 ~~(7)~~ (5) The city-county council shall by ordinance must
 24 designate who shall serve as a coapplicant for a warrant or an
 25 extension of a warrant under IC 35-33.5-2.

26 ~~(8)~~ (6) The consolidated city may levy property taxes within the
 27 consolidated city's maximum permissible ad valorem property tax
 28 levy limit to provide for the payment of the expenses for the
 29 operation of the consolidated law enforcement department. The
 30 police special service district established under section 6 of this
 31 chapter may levy property taxes to provide for the payment of
 32 expenses for the operation of the consolidated law enforcement
 33 department within the territory of the police special service
 34 district. Property taxes to fund the pension obligation under
 35 IC 36-8-7.5 may be levied only by the police special service
 36 district within the police special service district. The consolidated
 37 city may not levy property taxes to fund the pension obligation
 38 under IC 36-8-7.5. Property taxes to fund the pension obligation
 39 under IC 36-8-8 for members of the 1977 police officers' and
 40 firefighters' pension and disability fund who were members of the
 41 police department of the consolidated city on the effective date of
 42 the consolidation may be levied only by the police special service

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district within the police special service district. Property taxes to fund the pension obligation under IC 36-8-10 for members of the sheriff's pension trust and under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the police department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the consolidated city's maximum permissible ad valorem property tax levy. The assets of the consolidated city's 1953 fund and the assets of the sheriff's pension trust may not be pledged after the effective date of the consolidation as collateral for any loan.

(9) ~~The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year following the adoption of the consolidation ordinance and for the following two (2) years, to determine:~~

(A) ~~the amount of any cost savings, operational efficiencies, or improved service levels; and~~

(B) ~~any tax shifts among taxpayers;~~
that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the budget committee.

SECTION 92. IC 36-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The executive shall perform the duties and exercise the powers prescribed for the board of commissioners of the county by statutes other than this title, except for the following:

(1) ~~duties and powers vested in the city-county legislative body by IC 36-3-4.~~

(2) ~~Duties and powers retained by the board of commissioners of the county under section 10 of this chapter.~~

SECTION 93. IC 36-3-5-2, AS AMENDED BY P.L.227-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The executive shall, subject to the approval of the city-county legislative body, appoint each of the executive's deputies and the director of each department of the consolidated city. A deputy or director is appointed for a term of one (1) year and until a successor is appointed and qualified, but serves at the pleasure of the executive.

(b) When making an appointment under subsection (a), the executive shall submit the name of an appointee to an office to the legislative body for its approval as follows:

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(1) When the office has an incumbent, not more than forty-five (45) days before the expiration of the incumbent's one (1) year term.

(2) When the office has been vacated, not more than forty-five (45) days after the vacancy occurs.

(c) The executive may appoint an acting deputy or acting director whenever the incumbent is incapacitated or the office has been vacated. An acting deputy or acting director has all the powers of the office.

(d) The executive shall appoint:

(1) a controller;

(2) two (2) deputy controllers, only one (1) of whom may be from the same political party as the executive; and

(3) a corporation counsel;

each of whom serves at the pleasure of the executive.

(e) The corporation counsel and every attorney who is a city employee working for the corporation counsel must be a resident of the county and admitted to the practice of law in Indiana.

(f) This subsection applies only to a county having a consolidated city. If the Constitution of the State of Indiana is amended so that it no longer provides for the mandatory election in each county of a recorder, surveyor, coroner, sheriff, auditor, or treasurer, the functions, duties, and obligations of the offices are transferred to and assumed by the following departments of the consolidated city, county official, or municipal entity as provided in subsection (g):

(1) The functions, duties, and obligations of the county recorder are transferred to and assumed by the clerk of the circuit court under IC 33-32.

(2) The functions, duties, and obligations of the county surveyor are transferred to and assumed by the department of metropolitan development under IC 36-3-5-4.

(3) The functions, duties, and obligations of the county coroner are transferred to and assumed by the county executive, who shall appoint a qualified medical examiner.

(4) The functions, duties, and obligations of the county auditor are transferred to and assumed by the controller of the consolidated city under IC 36-3-5-2.5.

(5) The functions, duties, and obligations of the county treasurer are transferred to and assumed by the controller of the consolidated city under IC 36-3-5-2.5.

(6) The functions, duties, and obligations of the sheriff are transferred to and assumed by the department of public

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safety under IC 36-3-5-4.

(g) This subsection applies only to a county having a consolidated city. If the Constitution of the State of Indiana is amended so that it no longer provides for the mandatory election in each county of a recorder, surveyor, coroner, sheriff, auditor, or treasurer, the recorder, surveyor, coroner, sheriff, auditor, and treasurer of the county having a consolidated city holding office on the date the amendment is effective may remain in office until the end of that official's term of office. On the earlier of:

(1) the end of that official's term of office; or

(2) the date the office becomes vacant;

the functions, duties, and obligations of the office are transferred as specified in subsection (f).

(h) This subsection applies only to a county having a consolidated city. If the Constitution of the State of Indiana is amended so that it no longer provides for the mandatory election in each county of a recorder, surveyor, coroner, sheriff, auditor, or treasurer, each official whose functions, duties, and obligations are transferred under subsection (f) shall meet monthly (beginning one (1) year before the end of the official's term of office) with a designee of the county executive to carry out the proper transfer of those functions, duties, and obligations to the appropriate department, office, or entity. The designee of the county executive shall present to the county executive a report on the status of the transfer of the functions, duties, and obligations. The report is a public record for purposes of IC 5-14-3. If an office becomes vacant before the expiration of the official's term of office, a person designated by resolution of the county legislative body shall meet with a designee of the county executive to carry out the proper transfer of those functions, duties, and obligations to the appropriate department, office, or entity and to assist in the preparation of the status report to be delivered to the county executive.

SECTION 94. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.8. (a) Except as provided in ~~subsections~~ **subsection (b), and (c)**, the controller:

(1) has all the powers; and

(2) performs all the duties;

of the county auditor under law.

(b) **Except as provided in IC 36-3-5-2(f)**, the controller:

(1) does not have the powers; and

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(2) may not perform the duties;
of the county auditor under IC 36-2-9.5 and IC 36-3-6. or as a member
of the board of commissioners of the county under IC 36-3-3-10.

(c) Notwithstanding subsection (a) or any other law, the executive,
with the approval of the legislative body, may allocate the duties of the
county auditor, except the duties referred to in subsection (b); among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials.

SECTION 95. IC 36-3-5-4, AS AMENDED BY P.L.227-2005,
SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2010]: Sec. 4. (a) The following executive departments
of the consolidated city are established, subject to IC 36-3-4-23:

- (1) Department of administration and equal opportunity.
- (2) (1) Department of metropolitan development.
- (3) (2) Department of public safety.
- (4) (3) Department of public works.
- (5) Department of transportation.
- (6) (4) Department of parks and recreation.

(5) Department of public assistance, in accordance with
IC 12-20-1-5.

These departments and their divisions have all the powers, duties,
functions, and obligations prescribed by law for them as of August 31,
1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1
continues as an agency of the consolidated city, which is the successor
trustee of a public charitable trust created under Acts 1929, c. 78. The
department of public utilities is governed under IC 8-1-11.1 and is not
subject to this article.

SECTION 96. IC 36-3-5-5.5 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2009]: Sec. 5.5. (a) The executive shall appoint a director of
public assistance to administer, beginning January 1, 2011,
township assistance for the county under IC 12-20 and IC 12-30-4.

(b) The director is under the supervision of the executive and
holds office at the pleasure of the executive.

(c) If the director is absent from the director's office due to
illness, death, vacation, resignation, or removal, the president of
the executive, if any, or a qualified person appointed by the
executive shall act as director until the director returns to the
director's duties or the executive appoints a new director.

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SECTION 97. IC 36-3-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13. Notwithstanding IC 36-4-4-2(b), IC 36-8-3-12, or any other law, an employee of the consolidated city or a county having a consolidated city must resign the employee's employment with the consolidated city or the county upon taking an elected or appointed office of the consolidated city or the county.**

SECTION 98. IC 36-4-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) The powers of a city are divided between the executive and legislative branches of its government. A power belonging to one (1) branch of a city's government may not be exercised by the other branch.**

(b) Except as provided in IC 36-3-5-13, a city employee other than an elected or appointed public officer may:

(1) be a candidate for any elective office and serve in that office if elected; or

(2) be appointed to any office and serve in that office if appointed; without having to resign as a city employee.

SECTION 99. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.1. Dissolution of Township Governments in Marion County

Sec. 1. This chapter applies only to a county having a consolidated city.

Sec. 2. Effective January 1, 2011, all township governments in the county are abolished, and the duties and powers of the township governments are transferred under section 3 of this chapter. Each township retains its geographical boundaries and its name.

Sec. 3. The following occur on January 1, 2011:

(1) Each office of township trustee is abolished.

(2) Each township board is abolished.

(3) The functions, duties, and responsibilities of:

(A) the township trustee, including the duties and responsibilities previously transferred under IC 36-3-1-6.1 (fire protection); and

(B) the township board;

of each township, are transferred to the executive, unless otherwise expressly provided by statute.

Sec. 4. The following shall occur:

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(1) After June 30, 2009, and before January 1, 2011, a designee of the executive shall meet monthly with each township trustee to effectuate the proper transition of the duties, obligations, and responsibilities of the trustees to the executive. The designee shall prepare a report regarding the transition, and the report shall be made available to the public upon request.

(2) A township trustee or other township official may not take any steps with respect to the assets, debts, liabilities, or other financial accounts of the township that may alter the balances in any asset, debt, liability, or other financial accounts greater than a two percent (2%) margin of the accounts balances as of July 1, 2009, or as agreed to by the controller.

(3) The township board of each township shall serve as a township transition advisory board for the executive regarding the following specific township transition matters and others that the executive may assign to the boards after June 30, 2009, and before January 1, 2011:

(A) The proper transition of the responsibility for township assistance from the township to the department of public assistance under IC 12-20-1-5. After June 30, 2009, and before January 1, 2011, each township transition advisory board shall provide a monthly report to the executive regarding the transition. The report is a public record for purposes of IC 5-14-3 and shall be made available to the public upon request.

(B) The proper transition of the fire departments that are consolidated into the fire department of the consolidated city on January 1, 2011. Each township transition advisory board shall provide a monthly report to the executive regarding the transition. The report is a public record for purposes of IC 5-14-3 and shall be made available to the public upon request.

The township transition advisory board is subject to IC 5-14-1.5.

Sec. 5. On January 1, 2011, all:

- (1) assets;
- (2) debts;
- (3) property rights;
- (4) equipment;
- (5) records;
- (6) personnel (except otherwise provided for by statute); and

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(7) contracts;
connected with the operations of a township are transferred to the executive.

Sec. 6. The balance on January 1, 2011, in a debt service fund of a township:

(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 7. (a) On January 1, 2011, the balance in a township's general fund attributable to the duties of the township trustee under IC 36-6-4-3, other than the duties concerning fire protection transferred under IC 36-3-1-6.1, is transferred to the executive.

(b) The department of local government finance shall determine the amounts to be transferred under subsection (a).

(c) IC 36-1-8-5 does not apply to a balance referred to in subsection (a).

Sec. 8. (a) The balance in a township's township assistance fund attributable to the duties of the township trustee on January 1, 2011:

(1) is transferred to the county; and

(2) shall be deposited in the county township assistance fund established under IC 12-20-1-6.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 9. The county containing a consolidated city shall assume, defease, pay, or refund all indebtedness of the township other than indebtedness related to fire protection services:

(1) using the same procedures; and

(2) subject to the same restrictions;

that apply to a consolidated city assuming, defeasing, paying, or refunding under IC 36-3-1-6.1(e) all indebtedness of the township related to fire protection services.

Sec. 10. The department of local government finance shall increase the county's maximum permissible property tax levy for taxes first due and payable in 2011 by an amount equal to the total combined maximum permissible property tax levies for

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1 **all townships in the county for property taxes first due and payable**
 2 **in 2010.**

3 SECTION 100. IC 36-8-3-12 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. **Except as**
 5 **provided in IC 36-3-5-13**, members of the safety board and members
 6 of any township, town, or city (~~including a consolidated city~~) police
 7 department, fire department, or volunteer fire department (as defined
 8 by IC 36-8-12-2) may:

9 (1) be candidates for elective office and serve in that office if
 10 elected;

11 (2) be appointed to any office and serve in that office if appointed;
 12 and

13 (3) as long as they are not in uniform and not on duty, solicit votes
 14 and campaign funds and challenge voters for the office for which
 15 they are candidates.

16 SECTION 101. IC 36-8-10-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter
 18 applies to all counties.

19 (b) **After December 31, 2010, the powers and duties of the**
 20 **sheriff in a county having a consolidated city are subject to**
 21 **IC 36-2-13-17.**

22 SECTION 102. IC 36-9-4-15 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) **This section**
 24 **does not apply to a public transportation corporation in a county**
 25 **having a consolidated city.**

26 (~~a~~) (b) The board of directors of a public transportation corporation
 27 in a city consists of either five (5) or seven (7) directors, as determined
 28 by the city legislative body.

29 (~~b~~) (c) If the board of directors consists of five (5) directors, they
 30 are:

31 (1) two (2) directors appointed by the city executive, for terms of
 32 one (1) and two (2) years, respectively; and

33 (2) three (3) directors appointed by the city legislative body, for
 34 terms of two (2), three (3), and four (4) years, respectively.

35 (~~c~~) (d) If the board of directors consists of seven (7) directors, they
 36 are:

37 (1) three (3) directors appointed by the city executive, for terms
 38 of one (1), two (2), and three (3) years, respectively; and

39 (2) four (4) directors appointed by the city legislative body, for
 40 terms of one (1), two (2), three (3), and four (4) years,
 41 respectively.

42 SECTION 103. IC 36-9-4-15.1 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 15.1. (a) The board of directors of a public transportation corporation in a consolidated city consists of seven (7) directors.**

(b) The members of the board of directors are:

(1) four (4) directors appointed by the executive of the consolidated city, for terms of one (1) year, two (2) years, three (3) years, and four (4) years, respectively; and

(2) three (3) directors appointed by the legislative body of the consolidated city, for terms of one (1) year, two (2) years, and three (3) years, respectively.

SECTION 104. IC 36-9-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. The appointing authorities shall make appointments to the board of directors under section 15, **15.1**, or 16 of this chapter so that the number of directors belonging to either of the two (2) major political parties does not exceed the number belonging to the other by more than one (1). If the appointing authorities cannot agree on the manner in which this will be done, the municipal executive shall make the appointment that results in one (1) party having more directors than the other.

SECTION 105. IC 36-9-4-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 37. **(a) This section does not apply to a public transportation corporation in a county having a consolidated city.**

~~(a)~~ **(b)** The board of directors of a public transportation corporation may appoint or employ a general manager, accountants, attorneys, traffic engineers, drivers, clerks, secretaries, guards, laborers, and other employees, and may prescribe and define their duties, regulate their compensation, discharge them, and appoint or employ their successors. Employees shall be selected without regard to race, religion, or any personal affiliation. The board shall select the general manager on the basis of ~~his~~ **the individual's** fitness for the position, taking into account ~~his~~ **the individual's** executive ability and ~~his~~ **the individual's** knowledge of and experience in the field of mass public transportation.

~~(b)~~ **(c)** The board shall bargain collectively and enter into written contracts with authorized labor organizations representing employees other than executive, administrative, or professional personnel. These contracts may provide for the binding arbitration of disputes, wages, salaries, hours, working conditions, health and welfare, insurance, vacations, holidays, sick leave, seniority, pensions, retirement, and other benefits.

SECTION 106. IC 36-9-4-37.1 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2010]: **Sec. 37.1. This section applies only to a public transportation corporation in a county having a consolidated city.**

(b) The executive of the consolidated city shall, subject to the approval of the city-county legislative body, appoint an executive director of the public transportation corporation. The executive director shall serve at the pleasure of the executive of the consolidated city. The executive of the consolidated city shall select the executive director on the basis of the individual's fitness for the position, taking into account the individual's executive ability and the individual's knowledge of and experience in the field of mass public transportation.

(c) The board of directors of a public transportation corporation may appoint or employ accountants, attorneys, traffic engineers, drivers, clerks, secretaries, guards, laborers, and other employees, and may prescribe and define their duties, regulate their compensation, discharge them, and appoint or employ their successors. Employees shall be selected without regard to race, religion, or any personal affiliation.

(d) The board of directors shall bargain collectively and enter into written contracts with authorized labor organizations representing employees other than executive, administrative, or professional personnel. These contracts may provide for the binding arbitration of disputes, wages, salaries, hours, working conditions, health and welfare, insurance, vacations, holidays, sick leave, seniority, pensions, retirement, and other benefits.

SECTION 107. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) Subject to subsection (b), this chapter applies to the townships indicated in each section.**

(b) After December 31, 2010, powers and duties related to parks and recreation that are imposed by this chapter on a township in a county having a consolidated city are transferred to the county executive.

SECTION 108. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) Except as provided in subsection (b), this chapter applies to all townships.**

(b) After December 31, 2010, in a county having a consolidated city, all powers and duties of a township related to parks and recreation are transferred to the county executive.

SECTION 109. IC 36-10-9-4 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board is composed of nine (9) members. ~~Six (6)~~ **Seven (7)** members shall be appointed by the executive of the consolidated city, **and** two (2) members shall be appointed by ~~the board of commissioners of the county~~, **and one (1) member shall be appointed by** the legislative body of the consolidated city from among the members of the legislative body. One (1) of the members appointed by the executive must be engaged in the hotel or motel business in the county. Not more than ~~four (4)~~ **five (5)** of the members appointed by the executive may be affiliated with the same political party and not more than one (1) member appointed by ~~the board of commissioners~~ **legislative body of the consolidated city** may be affiliated with the same political party.

(b) The terms of members are for two (2) years beginning on January 15 and until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(c) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(d) A board member may be removed for cause by the appointing authority who appointed the member.

(e) Each member, before entering upon the duties of office, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment, which shall be promptly filed with the records of the board.

(f) A member does not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

(g) The executive of the consolidated city may designate a member to serve as chairperson of the board. If the executive of the consolidated city does not designate a chairperson, the board shall select a member to serve as interim chairperson of the board until the executive of the consolidated city designates a chairperson.

SECTION 110. IC 36-12-2-16, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 16. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is

~~(1) partly or fully within the boundaries of a consolidated city;~~
~~and~~

~~(2) fully within the boundaries of one (1) county.~~

(b) Seven (7) members of a library board shall be appointed in the following order as the terms of previously appointed members expire:

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(1) One (1) member appointed by the board of county commissioners of the county in which the library district is located.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located.

(3) One (1) member appointed by the board of county commissioners of the county in which the library district is located.

(4) Two (2) members appointed by the school board of the school corporation in which the principal administrative offices of the public library are located.

(5) One (1) member appointed by the board of county commissioners of the county in which the library district is located.

(6) One (1) member appointed by the fiscal body of the county in which the library district is located.

SECTION 111. IC 36-12-2-16.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 16.1. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is partly or fully within the boundaries of a consolidated city.**

(b) Seven (7) members of a library board shall be appointed in the following order as the terms of previously appointed members expire:

(1) Three (3) members appointed by the executive of the county in which the library district is located, subject to the approval of the city-county legislative body.

(2) Two (2) members appointed by the school board of the school corporation in which the principal administrative offices of the public library are located, subject to the approval of the city-county legislative body.

(3) Two (2) members appointed by the executive of the county in which the library district is located, subject to the approval of the city-county legislative body.

SECTION 112. IC 36-12-2-24, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 24. (a) This section does not apply to a public library partially or fully within the boundaries of a county having a consolidated city.** The library board shall select a librarian who holds a certificate under IC 36-12-11 to serve as the director of the library. The selection shall be made solely upon the basis of the

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1 candidate's training and proficiency in the science of library
 2 administration. The board shall fix the compensation of the director.
 3 The director, as the administrative head of the library, is responsible to
 4 the board for the operation and management of the library.

5 (b) The library board shall employ and discharge librarians and
 6 other individuals that are necessary in the administration of the affairs
 7 of the library. The board shall:

- 8 (1) fix and pay the compensation;
- 9 (2) classify and adopt schedules of salaries; and
- 10 (3) determine the number and prescribe the duties;

11 of the librarians and other individuals, with the advice and
 12 recommendations of the library director.

13 (c) In exercising the powers of the library board under this section,
 14 the library board may reimburse:

- 15 (1) candidates for employment for expenses reasonably incurred
- 16 while interviewing; and
- 17 (2) new employees for the reasonable moving expenses of the
- 18 employees.

19 If the library board exercises authority under this subsection, the board
 20 shall establish reasonable levels of reimbursement for the purposes of
 21 this subsection.

22 (d) A library board may provide severance pay to a library employee
 23 who is involuntarily separated from employment with the library.

24 SECTION 113. IC 36-12-2-24.1 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2010]: **Sec. 24.1. (a) This section applies**
 27 **only to a public library partially or fully within the boundaries of**
 28 **a county having a consolidated city.**

29 (b) **The executive of the consolidated city shall, subject to the**
 30 **approval of the city-county legislative body, select a librarian who**
 31 **holds a certificate under IC 36-12-11 to serve at the pleasure of the**
 32 **executive of the consolidated city as the director of the library. The**
 33 **selection shall be made solely upon the basis of the candidate's**
 34 **training and proficiency in the science of library administration.**
 35 **The board shall fix the compensation of the director. The director,**
 36 **as the administrative head of the library, is responsible to the**
 37 **board for the operation and management of the library.**

38 (c) **The library board shall employ and discharge librarians and**
 39 **other individuals as necessary to administer the affairs of the**
 40 **library. The board shall:**

- 41 (1) **fix and pay the compensation;**
- 42 (2) **classify and adopt schedules of salaries; and**

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1 (3) determine the number and prescribe the duties;
2 of the librarians and other individuals, with the advice and
3 recommendations of the library director.

4 (d) In exercising the powers of the library board under this
5 section, the library board may reimburse:

6 (1) candidates for employment for expenses reasonably
7 incurred while interviewing; and

8 (2) new employees for the reasonable moving expenses of the
9 employees.

10 If the library board exercises authority under this subsection, the
11 board shall establish reasonable levels of reimbursement for the
12 purposes of this subsection.

13 (e) A library board may provide severance pay to a library
14 employee who is involuntarily separated from employment with
15 the library.

16 SECTION 114. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY
17 1, 2009].

18 SECTION 115. THE FOLLOWING ARE REPEALED
19 [EFFECTIVE JANUARY 1, 2010]: IC 3-8-1-31; IC 33-34-6-4;
20 IC 36-2-9.5-14; IC 36-2-9.5-16.

21 SECTION 116. [EFFECTIVE JULY 1, 2009] The general
22 assembly finds the following:

23 (1) A county having a consolidated city faces unique
24 operational and financial challenges due to its size and dense
25 population. These challenges include the following:

26 (A) Serving as the seat of state government.

27 (B) Managing a large number of tax exempt properties.

28 (C) Operating across the boundaries of numerous local
29 government territories.

30 (D) Protecting a very large amount of governmental
31 property and providing appropriate public safety
32 resources to support its role as the state capital and a
33 center for local, state, national, and international sporting,
34 tourism, and cultural events.

35 (2) The challenges described in subdivision (1) as well as other
36 challenges result in operational inefficiencies, inconsistent
37 delivery of services, entities performing governmental
38 services without proper oversight by the city-county
39 legislative body, and untapped economies of scale.
40 Streamlining township, city, and county services and
41 operations into city-county government serves the following
42 purposes:

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(A) Increasing transparency, accountability, and oversight by the city-county council.

(B) Reducing layers of government bureaucracy.

(C) Providing better coordinated, more uniform, and more effective delivery of services.

(3) The public purpose of this act is to provide a county with a consolidated city the means to perform essential governmental services in a more effective, transparent, and accountable manner. Doing this is of high public utility and benefit.

SECTION 117. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding the amendment by this act of IC 3-10-1-19, IC 3-10-2-13, and IC 3-11-2-12 and the repeal by this act of IC 3-8-1-31 and IC 33-34-6-4, the term of a constable of a township small claims court established under IC 33-34 does not terminate until the date the term would have terminated under the law in effect on June 30, 2009.

(b) This SECTION expires January 2, 2011.

SECTION 118. [EFFECTIVE JULY 1, 2009] (a) The department of local government finance shall adjust maximum permissible property tax levies and property tax rates of units of local government as necessary to account for transfers of duties, powers, and obligations under this act.

(b) This SECTION expires January 1, 2012.

SECTION 119. [EFFECTIVE JULY 1, 2009] (a) The legislative services agency shall prepare, as directed by the legislative council, legislation for introduction in the 2010 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

(b) This SECTION expires July 1, 2010.

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